

ORDINANCE NO. 09-338

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LOS ALTOS ADDING SECTION 14.88.630 TO
CHAPTER 14.88 OF TITLE 14 OF THE LOS ALTOS MUNICIPAL CODE**

WHEREAS, the City of Los Altos received an application for the Pilgrim Haven project (07-GPA-01, 07-Z-01, 07-D-02 AND 07-UP-01) located at 323 & 373 Pine Lane, referred herein as the "Project"

WHEREAS, the Project includes a rezoning from Residential R1 -10 (R1-10) to Public Community Facilities (PCF), referred herein as the "Rezoning"; and

WHEREAS, said Project was the subject of a final environmental impact report ("Final EIR"), prepared by the City as the lead agency in compliance with the requirements of the California Environmental Quality Act of 1970 as amended, ("CEQA"); and

WHEREAS, all required public notices and public hearings were duly given and duly held according to law; and

WHEREAS, the Planning Commission held duly noticed public hearings on the proposed Final EIR and the proposed Rezoning on May 21 and 27, 2009, and recommended certification of the Final EIR; and

WHEREAS, duly noticed public hearings were held before the City Council on the proposed Final EIR and the proposed Rezoning on July 9, 2009, August 3 and 11, 2009 and

WHEREAS, on August 3, 2009, the City Council certified the Final EIR, finding that it had reviewed and considered the information therein, that it had been completed in compliance with CEQA, and that it reflected the independent judgment of the City as lead agency for the project; and

WHEREAS, the Rezoning was processed in accordance with the applicable provisions of the California Government Code and the Los Alto Municipal Code; and

WHEREAS, the location and custodian of the documents or other materials which constitute the record of proceedings upon the City Council's decision is based is the Office of the City Clerk.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Los Altos hereby finds:

1. With regard to Rezoning application 07-Z-01, based upon the entire record of proceedings, the following findings are made pursuant to Chapter 14.86 of the Los Altos Municipal Code:
 - a. The Rezoning from R1-10 to PCF is in the best interest for the protection and/or promotion of the public health, safety, comfort, convenience, prosperity, and welfare. This finding is based upon the following facts, evidenced in the record of proceedings, more specifically including but not limited to the following:

i. Increases housing opportunities for seniors. The Project will add 28 additional units to the community, thereby numerically providing more housing opportunities for Los Altos seniors. The Project will add memory support to aid those seniors living with Alzheimer's or dementia, thereby adding variety to the housing opportunities for Los Altos' seniors. The Project will also provide 16 Below Market Rate (BMR) units for low-income seniors, thereby increasing the opportunity for seniors with different income levels to have access to high-quality continuing care. Additionally, Pilgrim Haven has indicated it will give priority to filling all the units in its continuing care retirement community with Los Altos residents and secondly with those seniors who have close relatives residing in Los Altos. As a result, the Project is targeted to increase housing opportunities specifically for the Los Altos' senior population.

ii. Improves parking, aesthetics and neighborhood compatibility for the following reasons: The Project provides 172 parking spaces, which is 81 more than currently exist on-site and 55 more than the 117 required by the Los Altos Municipal Code. Parking capacity is increased from 0.59 to 0.95 spaces per unit. This reduces the likelihood that people will park on surrounding streets and, therefore, improves Pilgrim Haven's neighborhood compatibility. The underground parking garage minimizes the number of cars visibly parked on-site. As a result, aesthetics and neighborhood compatibility are improved. The Project increases building setbacks from those in the existing community and makes Pilgrim Haven's buildings less visible to persons on Pine Lane or Los Avenue. The increased setbacks improve aesthetics and neighborhood compatibility. The three-story building, which is within the 30 foot height limitation, is located at the rear of the independent living building and will not noticeably intrude on Pine Lane, Los Altos Avenue or the Santa Rita School. The three-story building is similar in height to four existing buildings (one of which will remain) along the Santa Rita School property line. As the three-story building is set farther back than the existing buildings of similar height, the Project improves the aesthetics and compatibility with the neighboring school. Much of the existing landscaping will remain in place to screen the community. Evergreen trees will be added to enhance the existing landscaping screening. Two rows of the apricot orchard will be preserved and enhanced along Los Altos Avenue. Overall, there will be 112 net new trees added to the site. All of these Project elements enhance the residential feel and neighborhood compatibility of Pilgrim Haven.

b. The Rezoning is consistent with the adopted General Plan of the City, particularly with the amendment of the General Plan for the Project site to Public and Intentional. This finding is based upon the following facts, evidenced in the record of proceedings, more specifically including but not limited to:

- i. The City anticipates that its senior population will continue to increase and there will be an increasing need for senior housing in Los Altos.
- ii. Other sites identified in the General Plan as potential locations for senior housing have been developed with single-family houses. The Project provides an excellent opportunity to expand senior housing.

2. Oral comments and written information regarding the Rezoning have been accepted and considered.

SECTION 2. AMENDMENT OF CODE: Section 14.88.620 entitled "Zoning map amended" is hereby added to Chapter 14.88 of Title 14 of the Los Altos Municipal Code to read as follows:

14.88.630 Zoning map amended.

The properties generally located at 323 and 373 Pine Lane, as delineated on Rezoning Map No. 07-Z-01, attached hereto and incorporated herein by reference, are hereby included within the Public and Community Facilities (PCF) zoning district.

The Zoning Map is amended in accordance with the provisions of this Section and the district boundaries are so designated.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon the commencement of the thirty-first day following the date the adopted ordinance is attested by the City Clerk.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on August 11, 2009 and was thereafter, at a regular meeting held on August 25, 2009 passed and adopted by the following vote:

AYES: PACKARD, CARPENTER, BECKER, SATTERLEE
NOES: CASAS
ABSENT: NONE


Megan Satterlee, MAYOR

Attest:


Susan Kitchens, CITY CLERK

Date: August 25, 2009

Exhibit to Ordinance No. 09-338



ENGINEERING DEPT.
 CITY OF LOS ALTOS
 SANTA CLARA COUNTY, CALIFORNIA

Rezoning Map No. 07-2-01
 323 and 373 Pine Lane
 R1-10 to PCF

DRAWN	Z.O.
CHECKED	
APP.	
DATE	6.12.09
SCALE	1" = 500'
DRAW. NO.	